

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 05-
v.	:	DATE FILED: August 23, 2005
WALLACE HEIDELMARK	:	VIOLATIONS:
JASON SCARDECCHIO	:	18 U.S.C. § 1341 (mail fraud – 15 counts)
INDOOR AIR QUALITY, INC.	:	42 U.S.C. § 7413(c)(1) (improper removal
	:	of asbestos – 16 counts)
	:	18 U.S.C. § 1001 (false statement – 1
	:	count)
	:	15 U.S.C. §§ 2615, 2614, 2646 (use of
	:	uncertified workers for asbestos removal –
	:	2 counts)
	:	18 U.S.C. § 2 (aiding, abetting, counseling,
	:	commanding and inducing)

INDICTMENT

COUNTS ONE THROUGH FIFTEEN
(18 U.S.C. § 1341 -- Mail Fraud)

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

The Defendants

1. Defendant WALLACE HEIDELMARK was the President and operator of defendant INDOOR AIR QUALITY, INC., (IAQ) which was in the business of removing asbestos from commercial and residential properties.
2. Defendant JASON SCARDECCHIO was an employee of defendant INDOOR AIR QUALITY, INC., and the principal supervisor in its asbestos removal business.
3. Defendant INDOOR AIR QUALITY, INC. was a for-profit corporation,

incorporated under the laws of Pennsylvania on October 6, 1992. IAQ was operated by defendant WALLACE HEIDELMARK for the purpose of removing asbestos from commercial and residential properties.

Asbestos

4. Asbestos is a hazardous air pollutant which was extensively used as an insulator on pipes, boilers, and other equipment, prior to the discovery that it was a dangerous substance.

5. Asbestos which can be crumbled by hand when dry is known as “friable” asbestos. Asbestos fibers from friable asbestos can become airborne and can be inhaled into the lungs.

6. Friable asbestos is a well-documented carcinogen, and has been linked to several lung diseases including mesothelioma, a cancer which gradually thickens and constricts the pleural sack that surrounds the lungs. Exposure to asbestos fibers significantly increases the incidence of cancer and other severe or fatal diseases, such as asbestosis. Medical evidence has suggested that children may be particularly vulnerable to environmentally induced cancers. There is no minimum level of exposure to asbestos fibers which medical science considers safe for humans.

Regulation of Asbestos Removal

7. The United States Environmental Protection Agency (“EPA”) regulates the removal and disposal of friable asbestos above certain quantities from commercial, industrial, public, institutional, and certain multi-unit residential facilities. The EPA does not regulate the removal of friable asbestos from residential buildings having four or fewer dwelling units.

8. For projects covered by EPA regulations, those regulations require that persons performing the asbestos removal do the following:

- a. Notify the EPA at least ten working days before beginning the removal project, and update the notice if the amount of asbestos affected changes by at least 20%.
- b. Adequately wet the asbestos-containing material during the removal operation, unless an alternative method of containing asbestos fibers has been approved in writing for that job by the EPA.
- c. Provide a certified supervisor, trained in methods of asbestos removal, at all times during a removal operation.
- d. Ensure that asbestos-containing material remains wet until collected and contained or treated in preparation for disposal.
- e. Discharge no visible emissions to the outside air during collection, wetting, packaging, transporting and handling operations.

9. The Commonwealth of Pennsylvania regulates the removal and disposal of friable asbestos-containing material from any public or private building or structure within Pennsylvania, including single family residences. Pennsylvania requires that anyone engaged in the removal of friable asbestos from these buildings be certified in that asbestos occupation. This requires anyone who is a contractor, supervisor, or worker at any asbestos abatement project to be certified in that occupation.

10. The Occupational Safety and Health Administration of the United States Department of Labor (“OSHA”) regulates asbestos exposure of workers in all work involving the

removal or encapsulation of materials containing asbestos. OSHA regulations require that an employer whose employees are engaged in the removal of thermal insulation containing more than 1% asbestos do the following:

- a. Monitor the air in the employees' work area to determine the airborne concentrations of asbestos to which employees may be exposed.
- b. Use wet methods of asbestos removal to control employee exposure to asbestos fibers.
- c. Contain airborne asbestos within the work area using critical barriers or another barrier or isolation method, cover all objects within the work area, and secure the coverings with duct tape or its equivalent.
- d. Control the movement of any airborne asbestos by using a negative pressure enclosure (also known as "negative air"), glove bags, or other listed method.
- e. Provide respiratory protections such as an air purifying respirator for all workers, and assure that workers use such respiratory protection.
- f. Provide a decontamination area with an equipment room, a shower area, and a clean room, in series (i.e. in a row), in all jobs involving more than 25 linear feet of insulation.
- g. Do medical surveillance of all workers who are engaged in asbestos removal work for more than 30 days a year, which shall include an initial medical examination and annual examinations thereafter.
- h. Keep records of employee exposure to asbestos fibers and of medical surveillance records for 30 years.

11. The Toxic Substances Control Act (“TSCA”) requires that all persons using methods to protect human health and the environment with respect to friable asbestos-containing material in a school, or in a public or commercial building, be certified to do asbestos removal by a state or by an EPA-approved course. The defendants performed asbestos removal work in certain public and commercial buildings, and this TSCA requirement was applicable to those jobs.

THE SCHEME

12. From in or about 2001, and continuing to on or about August 16, 2004, in the Eastern District of Pennsylvania and elsewhere, defendants

**WALLACE HEIDELMARK,
JASON SCARDECCHIO, and
INDOOR AIR QUALITY, INC.,**

devised and intended to devise a scheme to defraud, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, from entities and individuals who contracted to have INDOOR AIR QUALITY, INC. and its employees remove asbestos from the individuals’ residences and from commercial buildings.

It was part of the scheme to defraud that:

13. Defendants WALLACE HEIDELMARK, JASON SCARDECCHIO, and INDOOR AIR QUALITY, personally and through IAQ employees at their direction, induced homeowners and owners of commercial properties to employ defendant IAQ to remove asbestos-containing insulation and other asbestos-containing material from their homes and businesses by falsely assuring them that IAQ and its employees would remove the asbestos-containing material using certain safe removal techniques, take precautions to prevent the escape of asbestos fibers, use adequate procedures to ensure the safety of the IAQ workers, and, for certain jobs, test the air

following completion of the job to ensure that the area had been adequately cleaned of airborne asbestos fibers.

14. Defendants WALLACE HEIDELMARK, JASON SCARDECCHIO, and INDOOR AIR QUALITY required IAQ workers to do certain asbestos removal jobs in an allotted time shorter than the time necessary to do the job properly, so the IAQ workers were able to do more jobs for defendants HEIDELMARK and IAQ in a given time period.

15. Defendants WALLACE HEIDELMARK, JASON SCARDECCHIO, and INDOOR AIR QUALITY, individually and through IAQ's workers, failed to use proper and safe techniques to remove and dispose of asbestos, failed to take adequate protective measures for the property and for the safety of IAQ workers, failed to use only certified workers, failed to properly take and submit air samples for testing following the completion of the jobs.

MANNER AND MEANS

It was part of the manner and means of executing this scheme to defraud that:

A. Promises to Perform

16. Prior to beginning work on an asbestos removal project, defendant WALLACE HEIDELMARK sent a letter to each homeowner or business owner who sought to employ defendant IAQ to remove asbestos-containing material, stating that:

- a. defendant IAQ would remove asbestos "using an area-containment and/or glove bag method;"
- b. defendant IAQ would use "critical barriers, negative air, and wet removal techniques;"
- c. "all of the asbestos removal/encapsulation will meet or exceed EPA,

state, local and OSHA regulations;” and

- d. all asbestos waste “will be properly bagged for disposal.”

17. For residential asbestos removal jobs, the letter which defendant WALLACE HEIDELMARK sent to each homeowner further promised:

- a. defendant IAQ would perform air monitoring; and
- b. defendant IAQ “guarantees your final air testing to be .010 f/cc” [fibers per cubic centimeter], and promised to return to do further cleanup if the sample tested showed higher concentrations of fiber.

B. Methods of Asbestos Removal

18. For certain commercial jobs, defendants WALLACE HEIDELMARK and JASON SCARDECCHIO established work schedules which they knew did not allow sufficient time to complete the asbestos removal job in compliance with all EPA and OSHA regulations, including the requirements for safe removal techniques such as adequately and thoroughly wetting the asbestos before removal, properly and continuously deploying a complete critical barrier around the area of asbestos removal, and monitoring employee exposure to asbestos fibers.

19. For certain commercial jobs, defendant JASON SCARDECCHIO supervised the asbestos removal work, and personally directed workers to remove asbestos using less water than was necessary to thoroughly and adequately wet the asbestos before removal.

20. For certain commercial and residential jobs, defendant JASON SCARDECCHIO supervised the asbestos removal work, and personally directed workers to ignore the fact that plastic used as a critical barrier around the asbestos removal area had fallen or had not been installed correctly.

21. For certain residential asbestos removal jobs, defendants WALLACE HEIDELMARK and JASON SCARDECCHIO established work schedules which they knew did not allow sufficient time to complete the asbestos removal job in compliance with all of the techniques which defendant HEIDELMARK promised to use in the letter he sent to the homeowner before the job began, and which they knew did not allow time to perform that removal in a safe manner.

22. For certain residential asbestos removal jobs performed by defendant IAQ, the IAQ employees did not adequately wet the asbestos before removing it from its location.

23. For certain residential asbestos removal jobs performed by defendant IAQ, the IAQ employees did not install complete critical barriers around the area where the asbestos removal work was done.

24. For certain residential asbestos removal jobs performed by defendant IAQ, the IAQ employees did not set up and use a “negative air machine.” A “negative air machine” is a machine which slightly lowers the air pressure within the containment area where the asbestos removal is ongoing by taking in air (like a vacuum cleaner), and filters out all asbestos fibers before discharging the air outside the barriers. This ensures that ambient air will flow only into and not out of the containment area, so that no asbestos fibers can flow out of the containment area if they become airborne.

25. For certain residential asbestos removal jobs performed by defendant IAQ, defendants WALLACE HEIDELMARK and JASON SCARDECCHIO assigned workers who were not certified to work in asbestos removal to do the asbestos removal in those residences, in violation of the regulations of the state of Pennsylvania.

26. For certain residential and commercial asbestos removal jobs, employees of defendant IAQ failed to keep removed asbestos adequately wet while awaiting transportation for disposal.

C. OSHA Requirements

27. For certain commercial and residential asbestos removal jobs performed by defendant IAQ and its employees, applicable OSHA requirements for the protection of the workers were not followed in that functioning decontamination areas were not set up, workers removed asbestos without required respiratory protection, no initial exposure sampling or mid-job air sampling was done for airborne asbestos, proper wet removal methods were not used, proper air control methods were not used, and required medical surveillance and required record keeping were not done.

D. Air Sampling

28. For residential asbestos removal jobs performed by defendant IAQ, defendants WALLACE HEIDELMARK or JASON SCARDECCHIO, or other IAQ employees as directed by HEIDELMARK or SCARDECCHIO, told the homeowner that when IAQ finished the asbestos removal at that residence, IAQ employees would take an air sample from the removal area, and that the air sample would be submitted to a testing laboratory. IAQ representatives further told the homeowner that if the air testing indicated that the number of fibers per cubic centimeter was above an acceptable level, IAQ would return to provide additional removal work, but if the homeowner did not hear from IAQ within 48 hours the homeowner could conclude that the air sample analysis indicated that the fiber concentration in the air was within safe limits, and the homeowner could remove and dispose of the remaining plastic sheeting separating the

asbestos removal area from other parts of the homeowner's home.

29. For many of its residential asbestos removal jobs, defendant IAQ and its employees did not take an air sample at the conclusion of the asbestos removal work.

30. For certain residential asbestos removal jobs performed by defendant IAQ, defendant JASON SCARDECCHIO caused a blank, unused air canister to be submitted to the testing laboratory under the pretense that this canister contained an air sample taken from the residence at the conclusion of the residential asbestos removal job, when, as SCARDECCHIO knew, in fact no such air sample had been taken.

31. For residential asbestos removal jobs, defendants WALLACE HEIDELMARK and JASON SCARDECCHIO directed IAQ employees to submit unused air canisters and to falsely claim that each such canister contained the results of an air sample taken at the conclusion of the asbestos removal job, when in fact no such air sample had been taken, or if an air sample had been taken the submitted unused canister was not the canister used for any such air test. IAQ employees followed these directions of HEIDELMARK and SCARDECCHIO and did submit blank, unused air canisters for delivery to a testing laboratory.

32. Defendants WALLACE HEIDELMARK and IAQ caused the unused air canisters submitted by IAQ employees to be sent to a testing laboratory for analysis for asbestos fibers. When the testing laboratory returned results that the air sample had fewer than 0.005 fibers per cubic centimeter (f/cc), defendant HEIDELMARK caused those results to be sent to the homeowner to demonstrate the safety of the environment of the asbestos removal area.

33. On or about the dates shown below, in the Eastern District of Pennsylvania and elsewhere, defendants

**WALLACE HEIDELMARK,
JASON SCARDECCHIO, and
INDOOR AIR QUALITY, INC.,**

having devised and intending to devise the scheme, and for the purpose of executing the scheme and attempting to do so, placed and willfully caused to be placed, in a post office and authorized depository for mail matter, letters concerning asbestos removal projects, to be sent and delivered by the U.S. Postal Service to the individuals listed below, each mailing constituting separate count as follows:

Count	Date of Mailing	Property Location	Date Work Performed
1	7/26/2004	Ardmore, PA	8/16/2004
2	7/7/2004	Wynnewood, PA	7/16/2004
3	7/21/2004	Wynnewood, PA	7/16/2004
4	5/18/2004	Philadelphia, PA	7/16/2004
5	7/21/2004	Philadelphia, PA	7/16/2004
6	7/26/2004	Villanova, PA	7/20/2004
7	6/6/2004	Drexel Hill, PA	6/28/2004
8	7/6/2004	Drexel Hill, PA	6/28/2004
9	5/20/2004	West Mt. Airy, PA	6/9/2004
10	6/17/2004	West Mt. Airy, PA	6/9/2004
11	3/25/2003	Ardmore, PA	4/16/2003
12	4/25/2003	Ardmore, PA	4/16/2003
13	4/25/2003	Laverock, PA	4/15/2003
14	5/24/2002	Trinity Church, Collegeville, PA	8/14/2002
15	7/2/2001	Westover Village Jeffersonville, PA	Various

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNTS SIXTEEN THROUGH SEVENTEEN
(42 U.S.C. § 7413(c)(1) -- Violation of Asbestos Work Practice Standards)
(18 U.S.C. § 2)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count 1 are incorporated here as if fully set forth.
2. Trinity Reformed United Church of Christ is a church located in Collegeville, Pennsylvania. The church provides facilities for a “Head Start” school for pre-school children, ages four to five years old. The school operated on weekday mornings during the school year, and was not in operation during August 2002.
3. In or about July, 2002, Trinity Reformed United Church of Christ hired defendant INDOOR AIR QUALITY, INC. to remove asbestos from the church basement and the first floor.
4. Between approximately August 12 and August 17, 2002, IAQ employees removed asbestos from the basement and the first floor of the church, which included the area of the “Head Start” preschool. The asbestos removal included removal of asbestos-containing pipe insulation.
5. On or about August 14, 2002, in the Eastern District of Pennsylvania, defendants

**WALLACE HEIDELMARK,
JASON SCARDECCHIO, and
INDOOR AIR QUALITY, INC.**

knowingly violated, and aided and abetted and willfully caused the violation of, applicable work practice standards enacted pursuant to the Clean Air Act governing removal of asbestos-containing materials by being an operator of a renovation activity at Trinity Reformed United Church of Christ, Collegeville, Pennsylvania, which renovation activity involved the removal of more than 260 linear feet of regulated asbestos-containing material, knowing that the material being removed contained asbestos, and by failing to comply with the applicable

regulations as set forth below, as required by work practice standards enacted pursuant to the Clean Air Act, Title 42, United States Code, Sections 7413(c)(1) and 7412, and Title 40, United States Code of Federal Regulations, Sections 61.141, 61.145(c)(3), and 61.145(c)(6)(i), each violation constituting a separate count as follows:

Count	Violation	Regulation Violated
16	failure to adequately wet the asbestos material during the stripping operation	40 C.F.R. §61.145(c)(3)
17	failure to ensure that the asbestos material remained wet until collected and contained in preparation for disposal	40 C.F.R. § 61.145(c)(6)(i)

In violation of Title 42, United States Code, Section 7413(c)(1), and Title 18, United States Code, Section 2.

COUNT EIGHTEEN
(18 U.S.C. § 1001 -- False Statement)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count 1, and paragraphs 2 through 4 of Count 16 are incorporated here as if fully set forth.

2. On or about August 14, 2002, in the Eastern District of Pennsylvania, defendant

WALLACE HEIDELMARK,

in a matter within the jurisdiction of the United States Environmental Protection Agency (EPA), an agency of the executive branch of the United States, knowingly and willfully made materially false, fictitious, and fraudulent statements and representations, that is, defendant **WALLACE HEIDELMARK** gave an EPA inspector the name and asbestos-removal certification number for one of the workers of Indoor Air Quality (IAQ) supposedly engaged in the removal of asbestos-containing material at Trinity Reformed United Church of Christ, Collegeville, Pennsylvania, when, as HEIDELMARK knew, that person had previously left the employment of IAQ, and the worker who was actually present and working as an asbestos-removal worker was a different person who, as HEIDELMARK knew, was not certified to do asbestos-removal work.

In violation of Title 18, United States Code, Section 1001(a)(2).

COUNT NINETEEN
(15 U.S.C. §§ 2614, 2615, 2646 -- Use of Unaccredited Worker)
(18 U.S.C. § 2)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count 1, and paragraphs 2 through 4 of Count 16 are incorporated here as if fully set forth.

2. On or about August 14, 2002, in the Eastern District of Pennsylvania, defendants

**WALLACE HEIDELMARK,
JASON SCARDECCHIO, and
INDOOR AIR QUALITY, INC.**

knowingly and willfully caused a person to conduct a response action with respect to friable asbestos-containing material in a public and commercial building where that person was not accredited by a state or by an EPA-approved course to conduct such response action, that is, the defendants caused D.B., a person known to the grand jury, an employee of defendant INDOOR AIR QUALITY, INC., to engage in the removal of friable asbestos-containing material at the Trinity Reformed United Church of Christ, Collegeville, Pennsylvania, when D.B. was not certified by a state or by an EPA-approved course to engage in the removal of such asbestos-containing material.

In violation of Title 15, United States Code, Sections 2614, 2615, and 2646, and Title 18, United States Code, Section 2.

COUNTS TWENTY THROUGH TWENTY-TWO
(42 U.S.C. § 7413(c)(1) -- Violation of Asbestos Work Practice Standards)
(18 U.S.C. § 2)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count 1 are incorporated here as if fully set forth.
2. Ebenezer Church is a church located in Redhill, Pennsylvania. The church provides facilities for a kindergarten school within a portion of the church building.
3. In or about March, 2003, Ebenezer Church hired defendant INDOOR AIR QUALITY, INC. to remove asbestos from areas of the church.
4. IAQ employees removed asbestos insulation from the ceiling of a room in the church between approximately April 25 and 26, 2003. The room from which the ceiling asbestos was removed was a classroom for the school.
5. On or about April 25, 2003, in the Eastern District of Pennsylvania, defendants

**WALLACE HEIDELMARK,
JASON SCARDECCHIO, and
INDOOR AIR QUALITY, INC.**

knowingly violated, and aided, abetted and willfully caused the violation of, applicable work practice standards enacted pursuant to the Clean Air Act governing removal of regulated asbestos-containing materials by being an operator of a renovation activity at Ebenezer Church, Redhill, Pennsylvania, which renovation activity involved the removal of more than 160 square feet of regulated asbestos-containing material, knowing that the material being removed contained asbestos, and by failing to comply with the applicable regulations as set forth below, as required by work practice standards enacted pursuant to the Clean Air Act, Title 42, United States Code, Sections 7413(c)(1) and 7412, and Title 40, United States Code of Federal Regulations, Sections

61.141, 61.145(c)(3), 61.145(c)(6)(i), and 61.150(a), each violation constituting a separate count as follows:

Count	Violation	Regulation Violated
20	failure to adequately wet the asbestos material during the stripping operation	40 C.F.R. §61.145(c)(3)
21	failure to ensure that the asbestos material remained wet until collected and contained in preparation for disposal	40 C.F.R. § 61.145(c)(6)(i)
22	failure to prevent visible emissions of asbestos material to the outside air	40 C.F.R. § 61.150(a)

All in violation of Title 42, United States Code, Section 7413(c)(1), and Title 18, United States Code, Section 2.

COUNTS TWENTY-THREE THROUGH TWENTY-FIVE
(42 U.S.C. § 7413(c)(1) -- Violation of Asbestos Work Practice Standards)
(18 U.S.C. § 2)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count 1 are incorporated here as if fully set forth.
2. Central Schwenkfelder Church is a church located in Worcester, Pennsylvania.
3. In or about April of 2003, Central Schwenkfelder Church hired defendant
INDOOR AIR QUALITY, INC. to remove asbestos from areas of the church.
4. IAQ employees removed asbestos-containing material from a hallway and other
areas, and from a crawl-space at the church on separate occasions in approximately April of 2003.
5. On or about April 23, 2003, in the Eastern District of Pennsylvania, defendants

**WALLACE HEIDELMARK,
JASON SCARDECCHIO, and
INDOOR AIR QUALITY, INC.**

knowingly violated, and aided, abetted and willfully caused the violation of, applicable work practice standards enacted pursuant to the Clean Air Act governing removal of asbestos-containing materials by being an operator of a renovation activity at Central Schwenkfelder Church, Worcester, Pennsylvania, which renovation activity involved the removal of more than 260 linear feet of regulated asbestos-containing material, knowing that the material being removed contained asbestos, and by failing to comply with the applicable regulations as set forth below, as required by work practice standards enacted pursuant to the Clean Air Act, Title 42, United States Code, Sections 7413(c)(1) and 7412, and Title 40, United States Code of Federal Regulations, Sections 61.141, 61.145(b), (c)(3), and (c)(6)(i), each violation constituting a separate count as follows:

Count	Violation	Regulation Violated
23	failure to properly notify the United States Environmental Protection Agency prior to beginning asbestos removal work	40 C.F.R. §61.145(b)
24	failure to adequately wet the asbestos material during the stripping operation	40 C.F.R. §61.145(c)(3)
25	failure to ensure that the asbestos material remained wet until collected and contained in preparation for disposal	40 C.F.R. §61.145(c)(6)(i)

In violation of Title 42, United States Code, Section 7413(c), and Title 18,
United States Code, Section 2.

COUNT TWENTY-SIX
(15 U.S.C. §§ 2614, 2615, 2646 -- Use of Unaccredited Worker)
(18 U.S.C. § 2)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count 1 and paragraphs 2 through 4 of Count 23 are incorporated here as if fully set forth.
2. On or about April 23, 2003, in the Eastern District of Pennsylvania, defendants

**WALLACE HEIDELMARK,
JASON SCARDECCHIO, and
INDOOR AIR QUALITY, INC.**

knowingly and willfully caused a person to conduct a response action with respect to friable asbestos-containing material in a public and commercial building where that person was not accredited by a state or by an EPA-approved course to conduct such response actions, that is, caused N.R. and J.R., persons known to the grand jury, employees of defendant INDOOR AIR QUALITY, INC., to engage in the removal of friable asbestos-containing material at the Central Schwenkfelder Church, Worcester, Pennsylvania, where N.R. and J.R. were not certified by a state or by an EPA-approved course to engage in the removal of such asbestos-containing material.

In violation of Title 15, United States Code, Sections 2614, 2615, and 2646, and Title 18, United States Code, Section 2.

COUNTS TWENTY-SEVEN THROUGH THIRTY-FOUR
(42 U.S.C. § 7413(c)(1) -- Violation of Asbestos Work Practice Standards)
(18 U.S.C. § 2)

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 11 of Count 1 are incorporated here as if fully set forth.
2. Westover Village Apartments is an apartment complex located in Jeffersonville, Pennsylvania.
3. In or about May of 2001, the management of Westover Apartments in Jeffersonville, PA, hired defendant INDOOR AIR QUALITY, INC. to remove asbestos from apartments at the Westover Apartments complex.
4. IAQ employees removed asbestos-containing material from various units at the Westover Village Apartments between approximately June of 2001 and late 2003. The employees removed asbestos-containing ceiling insulation from each unit.
5. On or about the dates shown below, in the Eastern District of Pennsylvania, defendants

WALLACE HEIDELMARK, and
INDOOR AIR QUALITY, INC.

knowingly violated, and aided, abetted and willfully caused the violation of, applicable work practice standards enacted pursuant to the Clean Air Act governing removal of regulated asbestos-containing materials by being an operator of a renovation activity at the locations within the Westover Village Apartments in Jeffersonville, Pennsylvania, within residential structures having more than four dwelling units, as listed below, each of which renovation activities involved the removal of more than 160 square feet of regulated asbestos-containing material, knowing that the material being removed contained asbestos, by failing to notify the United States

Environmental Protection Agency at least ten working days prior to beginning asbestos stripping and removal work, as required by work practice standards enacted pursuant to the Clean Air Act, Title 42, United States Code, Sections 7413(c)(1) and 7412, and Title 40, United States Code of Federal Regulations, Sections 61.141, 61.145(b)(1), each violation constituting a separate count as follows:

Count	Date	Address	Unit Type
27	1/3/02	101 Meadow Lane	two-bedroom apartment
28	1/9/02	77 Meadow Lane	two-bedroom apartment
29	2/28/02	1 Iris Drive	two-bedroom apartment
30	4/5/02	73 Meadow Lane	one-bedroom
31	4/16/02	69 Meadow Lane	one-bedroom apartment
32	6/5/02	9 Glen Lane	one-bedroom
33	6/27/02	92 Meadow Lane	two-bedroom
34	8/21/02	12 Iris Drive	two bedroom apartment

All in violation of Title 42, United States Code, Section 7413(c)(1), and Title 18, United States Code, Section 2.

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY